

REMARKS

In the Office Action mailed June 5, 2008 the Office noted that claims 1-19 were pending and Restricted claims 9-19. No claims have been amended, no claims have been canceled, and, thus, in view of the foregoing claims 9-19 remain pending for reconsideration which is requested. No new matter has been added. The Office's restrictions are traversed below.

RESTRICTION

Responsive to the restriction requirement imposed in the outstanding Official Action, Applicant provisionally elects Group I, claims 9-14 and 16-19, drawn to a glowplug, with traverse.

The Official Action stated that Group I (claims 9-14 and 16-19) and Group II (claim 15) are unrelated as Group I is drawn to a glowplug and Group II is drawn to an engine.

Claim 9 is drawn to a glowplug, a portion of an internal combustion engine, whereas claim 15 is drawn to an internal combustion engine including the glowplug. The purpose of a glowplug as in claim 9 is to be integrated into the internal combustion engine as in claim 15. The claims are related and no separate search would be required.

Further, the restriction requirement is believed to be improper and should not be repeated for the following reasons:

1. The Office has relied upon the restriction practice set forth in chapter 800 of the Manual of Patent Examining

Procedure (MPEP) in making this requirement.

2. The present Application however is a national stage Application filed under 35 U.S.C. § 371, and is consequently governed by the unity of invention practice set forth in PCT Rule 13 and 37 CFR § 1.499, and not by the restriction practice set forth in Chapter 800 of the MPEP. The Office's attention is also kindly directed to section 1893.03 of the MPEP.

3. It is additionally noted that during the international phase of the instant application, the Searching Authority did not find lack of unity of invention since all of the claims were addressed in the International Search Report and International Preliminary Report on Patentability. Thus, examination of all the pending claims in this national stage Application cannot reasonably be construed to impose an undue burden on the Examiner. Moreover, according to article 27 (1) PCT, "[n]o national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in this Treaty and the Regulations." (See MPEP § 1850.)

Accordingly, withdrawal of the restriction requirement and early and favorable prosecution of all the claims on the merits is respectfully requested.

SUMMARY

It is submitted that claims 9-19 continue to be

allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



James J. Livingston, Jr.
Reg. No. 55,394
209 Madison St, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JJL/jad